

How can we demonstrate 'negative impact', that changes are more harmful than the status quo?

by Blog Admin

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Sometimes the status quo is preferable, and academic research may play a part in preventing new and harmful proposed changes. But how will academics demonstrate the impact on their research if the results lead back to the status quo? [Rob George](#) wonders how to demonstrate negative impact.



Does it count as 'impact' if a researcher's great achievement in the world beyond academia is to stop something from happening? Most academics have come to think of impact as a tangible change of some kind in policy, business, industry or society in general arising because of our research. But what about the case where someone 'out there' has had a bad idea and is in the process of trying to implement it, and you step in with your research and stop that idea coming into being? Is that impact? And if it is, how do you show that it was your research that had this effect?

The views of REF assessment panels remain unknown at this stage, but it seems to me that this form of impact – what I'll call *negative impact* – is potentially just as important as any other form. Using research findings to save the status quo from poorly informed 'reform' ought to be valued as highly as any other engagement that academics have with wider society. That said, I'm less sure about how you know when you've had this kind of effect, or how to demonstrate it to anyone.

I propose to explore this with an example from my area of research, family law. I'm not sure whether the example actually involves negative impact or not, but at least it should serve to demonstrate why this issue matters.

An Example: Family Courts and the Media

Most court cases in England and Wales are open to the public. Anyone can just walk in off the street and watch what's happening. But family cases involving children or post-divorce financial arrangements are different, and the default rule is they are heard 'in private'. That means that only people directly associated with the case are allowed to be in the court room.

There are good reasons for this rule. Family courts deal with sensitive, personal events in people's lives – allegations (which might or might not be true) about parents neglecting or abusing their children, questions about whether a child should have a dangerous medical operation or not, women seeking protection from physical, mental or emotional abuse by their partners or other family members, and so on. These are things that people are entitled to keep private, and they should be able to get help from the court without the rest of us standing on the sidelines gawping.

However, the flip side of this privacy is that the general public is not well informed about what happens in family courts, and consequently there is much scope for misunderstanding. A series of comment articles by [Camilla Cavendish in *The Times*](#) raised the public profile of this issue with an attack on what Cavendish called the "secret justice" of the family courts. (Although these articles were largely based on [unrepresentative anecdotes](#) that [don't fit with the bigger picture](#), they gained traction in the public debate because, as I've discussed on my blog before, [anecdotes often make better stories than research findings](#)).

In part because of campaign by *The Times*, there was a push in 2009-10 for a change to the law. Reforms were introduced in April 2009 to allow media representatives to attend family cases, but rules on reporting cases were not changed. That meant that although a journalist could attend most cases, he or she could not write about any particular case, but only about the family court system as a whole. Given that the

media's criticism of the courts was that they were *systemically* biased and unfair, that seemed a reasonable step, but the campaign for reform continued.

When further legislation looked likely, the [Nuffield Foundation](#) commissioned me to write a [Briefing Paper on the subject](#) as part of Oxford University's Family Policy Briefing Paper series. The purpose of these papers is to offer a clear overview of the research evidence available on a particular issue which can then be sent to policy-makers, government officials, journalists, think-tanks, third sector organisations, and so on. While the Briefing Paper was not a lobbying document, the message from the research was clear: the proposed changes would be complicated, difficult to implement, and involve infringement of people's privacy in personal disputes.

My involvement with this Briefing Paper led me to give [submissions to the Children, Schools and Families Select Committee](#) and to Ministry of Justice officials at consultation meetings. The findings of the paper were reported in specialist law publications and national media, and I did a BBC local radio interview about the issue. Nonetheless, the Children, Schools and Families Act 2010 was passed by Parliament in the dying days of the last administration, and I thought that my efforts had come to nothing. But here we are, two years on, and the relevant parts of the Act are still not in force (meaning that they have no effect – they are on the books but a dead letter unless activated), and the current government shows no interest in reviving the issue.

Discussion

But here we are, two years on, and the relevant parts of the Act are still not in force (meaning that they have no effect – they are on the books but a dead letter unless activated), and the current government proposes to repeal them entirely in [cl 17\(4\) of the Crime and Courts Bill](#).

So is that impact? It's obviously quite hard to work out what my role was in any of this, because there were many other people and organisations involved on both sides of the debate. It is also difficult to know quite why the coalition government has not implemented the relevant provisions, since I am unaware of any public statement on the issue. All I have is correlation (my work against the reforms, and the reforms not being implemented) but no real indication of causation.

But then, I think that's almost always going to be true. The status quo usually has some merit which people can see, and an academic's contribution to making the case against change will usually be only part of a larger discussion. I've just had a similar experience (but with a less positive outcome) on [legal aid reforms](#), and a new debate is just kicking off on proposals to reform [the law governing parent-child relationships after parental separation](#). In all of these cases, the research community has sought to show that the proposed reforms may be harmful in some way and that the status quo is, overall, a preferable state of affairs.

Of course, sometimes we win and sometimes we lose. But when the tide is clearly moving in favour of change which research suggests will be for the worse, there ought to be some credit for the negative impact of making those findings public in such a way as to help stop the reforms.

Note: This article gives the views of the author(s), and not the position of the Impact of Social Sciences blog, nor of the London School of Economics.

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